
State Water Resources Control Board

NOTICE OF PROPOSED EMERGENCY RULEMAKING

Annual Waste Discharge Permit Fees

Amendments to Division 3 of Title 23 of the California Code of Regulations

Required Notice of Proposed Emergency Action

Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to submission of a proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

The State Water Resources Control Board (State Water Board) sent out to interested parties via electronic mail on September 7, 2018 the proposed changes to Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.4, 2200.6, and 2200.8 of the California Code of Regulations on September 20, 2018. This notification satisfies the notification requirements of Government Code section 11346.1(a)(2).

Proposed Emergency Action

Water Code section 13260(f) requires the State Water Board to adopt emergency regulations revising and establishing fees to be deposited in the Waste Discharge Permit Fund in the State Treasury. Water Code section 13260(f)(1) requires the State Water Board to adjust the fee schedule each fiscal year to conform to the revenue levels set forth in the annual Budget Act. At its September 20, 2018 meeting, the State Water Board will consider adopting emergency regulations that adjust waste discharge permit fees to conform to the revenue levels set forth in the Budget Act for Fiscal Year (FY) 2018-19.

Proposed Text of Emergency Regulations

The proposed text of the emergency regulations is attached. The State Water Board may revise the proposed emergency regulations based on comments received prior to and during its September 20 board meeting. The State Water Board is not required to provide any additional public notice prior to adopting revisions to the proposed emergency regulations.

Finding of Emergency (Gov. Code, § 11346.1, subd. (b))

The State Water Board has a mandatory legal duty to adopt emergency regulations revising the fees as necessary each fiscal year pursuant to Water Code section 13260(f). Water Code section 13260(f)(2) states that "[t]he adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

(commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations . . . shall remain in effect until revised by the State Water Board.”

Authority and Reference (Gov. Code, § 11346.5, subd. (a)(2))
Water Code section 13260(f).

Informative Digest (Gov. Code, § 11346.5, subd. (a)(3))
Under Water Code section 13260(d)(1)(A), any person discharging waste, or proposing to discharge waste, that could affect the quality of the waters of the state must pay an annual fee in accordance with the fee schedule adopted by the State Water Board.

The proposed emergency regulations will change fees for waste discharge permit holders for FY 2018-19 as follows:

Waste Discharge Requirement (WDR) – The WDR program budget for FY 2018-19 is \$33.4 million and projected revenue is \$28.2 million. Staff is proposing to partially make up the \$5.2 million structural deficit by increasing all WDR fee categories approximately 9.5 percent to generate \$2.7 million in revenue and defer the balance for consideration until next fiscal year. All applicable surcharges will remain unchanged for FY 2018-19.

Water Quality Certification (WQC) – The WQC program budget for FY 2018-19 is \$12.4 million and projected revenue is \$10.5 million. Staff is proposing to partially make up the \$1.9 million structural deficit by increasing all WQC fee categories approximately 9.2 percent to generate \$967,000 in revenue and defer the balance for consideration until next fiscal year. Staff is also making minor edits to the WQC fee schedule to include clarifying language.

NPDES – The NPDES program budget for FY 2018-19 is \$33.0 million and projected revenue is \$27.6 million. Staff is proposing to partially make up the \$5.4 million structural deficit by increasing all NPDES fee categories approximately 10 percent to generate \$2.7 million in revenue and defer the balance for consideration until next fiscal year. All applicable surcharges will remain unchanged for FY 2018-19.

Confined Animal Facilities (CAF) – The CAF program budget for FY 2018-19 is \$5.1 million and projected revenue is \$4.6 million. Staff has considered the factors in Water Code section 13260, subdivision (d)(1)(D) and is proposing to partially make up the \$559,000 structural deficit by increasing all CAF fee categories approximately 6.2 percent to generate \$285,000 in revenue and defer the balance for consideration until next fiscal year.

Agricultural (Ag) Lands – The Ag Lands program budget for FY 2018-19 is \$7.8 million and projected revenue is \$6.7 million. Staff is proposing to partially make up the \$1.2 million structural deficit by making the changes below to generate \$593,000 in revenue and defer the balance for consideration until next fiscal year.

Staff is proposing to increase fees by approximately 8.9 percent for dischargers belonging to a group that is subject to WDRs or a waiver of WDRs and is responsible for coordinating water quality monitoring and best management practice development, training and implementation, and generally assists its members with complying with the WDRs or waiver of WDRs, and has been approved by the state board to manage fee collection.

Staff is proposing a new fee for dischargers that are members of a group that provides monitoring-only services and manages the fee collection for members, but does not perform the other functions described above. The monitoring-only model is currently utilized only in the Central Coast Region and by only one group. The proposed fee for these dischargers is a \$100 base fee plus \$1.90 per acre, which is double the proposed per acre fee of \$0.95 for those members belonging to a group that performs all of the functions described above and also manages fee collection. The higher fee is required to cover costs for work performed by Regional Board staff that would typically be performed by a group.

Staff is also proposing to raise the base fee and decrease the per acre fee for dischargers that are members of a group that performs the functions described above except managing fee collection. The proposed base fee increase is from \$100 to \$250 and the proposed per acre fee decrease is from \$1.47 to \$1.43. \$1.43 is one and a half times the proposed per acre fee for those members belonging to a group that performs all of the functions, including managing fee collection. There are currently no fee payers in this tier.

Programs with No Proposed Fee Increases – The Land Disposal, Storm Water and Cannabis programs are projected to generate sufficient revenue to meet budgeted expenditures. Therefore, staff is proposing no fee increases for FY 2018-19 for these programs. In addition, the FY 2017-18 one-year fee reduction for the Land Disposal programs will be removed.

There is no comparable federal statute or regulation.

Other Matters Prescribed by Statute (Gov. Code, § 11346.5, subd. (a)(4))

No other matters are prescribed by statute or regulation applicable to the State Water Board.

Local Mandate (Gov. Code, § 11346.5, subd. (a)(5))

The proposed emergency regulations do not impose a mandate on local agencies or school districts because they do not mandate a new program or a higher level of service of an existing program. The fee schedule applies equally to public and private entities and is not unique to local government. No state reimbursement is required by part 7 (commencing with section 17500) of division 4 of the Government Code.

Estimate of Cost or Savings (Gov. Code, § 11346.5, subd. (a)(6))

Under the proposed emergency regulations for this fiscal year, most local and state agencies will pay increased fees over last year. The amended fee schedule will result in a total estimated increase to state agencies of about \$150,052. There is no cost to any local agency or school district for which reimbursement is required or other nondiscretionary cost of savings imposed on local agencies. There is no cost or savings in federal funding to the state.

September 11, 2018
Date


Jeanine Townsend
Clerk to the Board

2017-18-19 Fee Schedules

CALIFORNIA CODE OF REGULATIONS TITLE 23. Division 3. Chapter 9. Waste Discharge Reports and Requirements Article 1. Fees

Section 2200. Annual Fee Schedules.

Each person for whom waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code shall submit, to the state board, an annual fee in accordance with the following schedules. The fee shall be submitted for each waste discharge requirement order issued to that person.¹

(a) The annual fees for persons issued waste discharge requirements (WDRs), except as provided in subdivisions (a)(3), ~~(a)(4)~~, (b), and (c), shall be based on the discharge's threat to water quality (TTWQ) and complexity (CPLX) rating according to the following fee schedule, plus applicable surcharge(s). ~~For Fiscal Year 2017-18, Land Disposal dischargers will receive a 12.6 percent fee reduction of the calculated fee, prior to the addition of any applicable surcharge.~~

ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS				
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Type of Discharge		
		Discharge to Land or Surface Waters ²	Land Disposal ³	
			Not Paying a Tipping Fee ⁴	Paying a Tipping Fee ⁵
1	A	\$109,095 119,459	\$70,781 ⁶	\$59,252 ⁶
1	B	\$68,901 75,447	\$57,168	\$47,856
1	C	\$37,178 40,710	\$36,751	\$30,766
2	A	\$24,833 27,192	\$30,625	\$25,638
2	B	\$14,929 16,347	\$24,502	\$20,510
2	C	\$11,195 12,259	\$18,376	\$15,383
3	A	\$8,823 9,661	\$12,250	\$10,256

¹ Federal facilities will generally not be invoiced for the portion of the annual fee that is attributable to the state board's ambient water monitoring programs. See *Massachusetts v. United States* (1978) 435 U.S. 444.

² For this table, discharges to land or surface waters are those discharges of waste to land or surface waters not covered by NPDES permits that are regulated pursuant to Water Code Section 13263 that do not implement the requirements of Title 27 of the California Code of Regulations (CCR). Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic tank systems. It does not include discharge of dredge or fill material, discharges from agricultural lands, including irrigated lands, or discharge from animal feeding operations.

Dischargers covered by a WDR for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B and 3-C will receive a 50 percent fee discount. The design flow shall be used where no permitted flow is present. Municipal and domestic discharges receiving the discount are defined as discharges from facilities that treat domestic wastewater or a mixture of wastewater that is predominately domestic wastewater. Domestic wastewater consists of wastes from bathroom toilets, showers, and sinks from residential kitchens and residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats. Dischargers covered by a Landscape Irrigation General Permit issued by the state board will be assessed a fee associated with TTWQ/CPLX rating of 3B.

³ For this table, land disposal discharges are those discharges of waste to land that are regulated pursuant to Water Code Section 13263 that implement the requirements of CCR Title 27, Division 2, except Chapter 7, Subchapter 2, §22560-22565 (confined animal facilities). Examples include, but are not limited to, discharges associated with active and closed landfills, waste piles, surface impoundments, and mines.

⁴ For this table, Not Paying a Tipping Fee are those land disposal dischargers not subject to Public Resources Code (PRC) § 48000 et seq.

⁵ For this table, Paying a Tipping Fee are those land disposal dischargers subject to PRC § 48000 et seq.

⁶ A surcharge of \$12,000 will be added for Class I landfills. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the regional board under 23 CCR Chapter 15, have WDRs that allow (or, for closed units, allowed) them to receive hazardous waste, and have a permit issued by the Department of Toxic Substances Control under 22 CCR Chapter 10, § 66270.1 et seq.

201718-1819 Fee Schedules

3	B	\$4,6995,145	\$9,188	\$7,690
3	C	\$2,0882,286	\$4,082	\$3,419

Oil and gas produced water storage and disposal facilities regulated by waste discharge requirements are subject to a surcharge according to the following schedule:

TTWQ & CPLX Rating	Surcharge per Barrels of Waste Water Discharged in the Prior 12 Months		
	No Barrels	1 to 999,999 Barrels	1,000,000 or more Barrels
1A	\$600	\$1,000	\$50,000
1B	\$600	\$1,000	\$50,000
1C	\$600	\$1,000	\$50,000
2A	\$600	\$1,000	\$40,000
2B	\$600	\$1,000	\$30,000
2C	\$600	\$1,000	\$10,000
3A	\$600	\$1,000	\$4,000
3B	\$600	\$1,000	\$2,000
3C	\$600	\$600	\$600

(1) Threat to water quality (TTWQ)⁷ and complexity (CPLX) of the discharge is assigned by the regional board in accordance with the following definitions:

THREAT TO WATER QUALITY

Category “1” – Those discharges of waste that could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of a beneficial use include the loss of drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category “2” – Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category “3” – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

COMPLEXITY

Category “A” – Any discharge of toxic wastes; any small volume discharge containing toxic waste; any facility having numerous discharge points and groundwater monitoring; or any Class 1 waste management unit.

⁷ In assigning a category for TTWQ, a regional board should consider duration, frequency, seasonality, and other factors that might limit the impact of the discharge.

2017~~18~~-2019 Fee Schedules

Category “B” – Any discharger not included in Category A that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units.

Category “C” – Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B as described above. Included are dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

(2) For dischargers covered under Statewide General WDRs for Sanitary Sewer Systems, the TTWQ and CPLX designations are assigned based on the population served by the sanitary sewer system. The table below describes the correlation between population served and TTWQ and CPLX designations to determine the appropriate annual fee:

Population Served ⁸	Threat and Complexity Designation
Less than 50,000	3C
50,000 or more	2C

(3) The fees for discharges of dredge and fill material shall be as follows.⁹

STANDARD FEE ¹⁰			
Discharge Category	Application Fee ¹¹	Project Fee	Annual Fee ¹²
(A) Fill and Excavation¹³ Discharges Discharge area expressed in acres rounded to two decimal places (0.01 acre)	\$1,5001,638	Impact area in acres x \$13,26814,489, minus application fee, up to a maximum of \$130,000142,100 (if balance equals less than the application fee, no project fee is required).	\$1,5001,638

⁸ Assumes 2.5 persons per equivalent dwelling unit (EDU).

⁹ Fees shall be based on the sum of temporary and permanent impact amounts to be authorized by the order. Impacts include both the excavation and fill area and the dredging area. If water quality certification is issued in conjunction with dredge or fill WDRs or issued for a discharge regulated under preexisting WDRs for the same project, the project will be assessed a single fee derived from this dredge and fill fee schedule. Discharges requiring certification and regulated under a federal permit or license other than a US Army Corps of Engineers Clean Water Act Section 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from Section 2200(a).

¹⁰ Fees shall be based on the sum of project impacts. Projects that include both category (A) and category (B) discharges shall be subject to the category (A) application and project fees. A single annual fee shall be assessed based on the higher of the applicable annual fee categories.

¹¹ Dischargers shall pay a one-time application fee for each project at the time that the application or report of waste discharge is submitted.

¹² Consistent with Section 2200.2, the sum of the Application Fee and the Project Fee shall serve as the first annual fee. If the submittal of this first annual fee does not coincide with the current fiscal year billing cycle, then the next, and only the next, fiscal year billing shall be adjusted to account for the payment of the Application Fee and the Project Fee. The annual fee for category (B) dredging discharges will be calculated using the annual dredge volume authorized in the applicable Order.

¹³ “Excavation” refers to removing sediment or soil in shallow waters or under no-flow conditions, typically for purposes other than navigation. Examples include, but are not limited to, trenching for utility lines; other earthwork preliminary to discharge; removing sediment to increase channel capacity; and other flood control and drainage maintenance activities (e.g., debris removal, vegetation management and removal, detention basin maintenance and erosion control of slopes along open channels and other drainage facilities).

2017-18-19 Fee Schedules

(B) Dredging¹⁴ Discharges (except Sand Mining-see (C) below) Dredge volume expressed in cubic yards.	\$1,5001,638	N/A	Annual dredge volume in cubic yards x \$0.328358, up to a project maximum of \$130,000142,100. The minimum annual fee is \$1,5001,638.
SPECIAL/FLAT FEE¹⁵			
Discharge Category	Application Fee¹¹	Annual Fee	
(C) Sand Mining Dredging Discharges Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions.	\$1,5001,638	\$720819	
(D) Ecological Restoration and Enhancement Projects Projects undertaken for the sole primary purpose of restoring or enhancing the beneficial uses of water. This schedule does not apply to projects required under a regulatory mandate or to projects that are not primarily intended for ecological restoration or enhancement, e.g., land development. This category does not include mitigation banking or in-lieu fee programs, <u>or projects implemented in response to an enforcement action.</u>	\$400437	\$200218	
(E) Low Impact Discharges Projects may be classified as low impact discharges if they <u>project</u> meets all of the following criteria: 1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 2300 linear feet, and (b) for dredging, 25 cubic yards. 2. The discharger demonstrates that: (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. 3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water; (b) contribute to significant cumulative effects; (c) cause pollution, contamination, or nuisance; (d) adversely affect candidate, threatened, or endangered species; (e) degrade water quality or beneficial uses; (f) be toxic; or (g) include "hazardous" or "designated" material.	\$1,5001,638	\$200218	
(F) Emergency Projects Authorized by a Water Board General Order	\$1,5001,638	\$200218	
(G) Amended Orders¹⁶ Amendments of WDRs or water quality certifications previously issued. (1) <u>All category (D) Ecological Restoration and Enhancement Projects, regardless of amendment type.</u> (2a) <u>Administrative amendments including, but not limited to, ownership changes, typographic edits, or time extensions that do not result in a temporal loss of resource function. Amendments in this category require no technical analysis or additional compensatory mitigation. Minor project changes, not requiring technical analysis and involving only minimal processing time.</u> (b) <u>Changes to projects eligible for flat fees (fee categories C and D) where technical analysis is needed to assure continuing eligibility for flat fee and that beneficial uses are still protected.</u> (c) <u>Project changes not involving an increased discharge amount, but requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified.</u> (3d) <u>Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria: Project changes involving an increased discharge amount and requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified.</u>	(1a) No fee required (2b) No fee required \$300 flat fee (c) \$200 flat fee (3d) Additional standard fee assessed per increased amount of discharge(s).	Annual fee applicable per discharge category	

¹⁴ "Dredging" refers to removing sediment or aquatic vegetation in deeper water, typically in deeper water for navigation purposes. For fee purposes, this fee category includes aggregate extraction within stream channels, where the substrate is composed of coarse sediment (e.g., gravel) and is ~~reshaped-replenished~~ by normal winter flows (e.g., point bars).

¹⁵ To qualify for a special/flat fee category, the whole of a project must meet the fee category description (i.e., all project discharges are limited to those defined by the fee category).

¹⁶ Dischargers that have met the project fee cap will be assessed the minimum fee for each amendment of previously-issued WDR or water quality certification.

201718-1819 Fee Schedules

<ul style="list-style-type: none"> Amendment increases the active certification's impact quantity by less than 50 percent, and Amendment does not require a change to the mitigated aquatic resource type. 	<p>The minimum fee is \$1,638.</p>
<p>(4e) Amendment requires a supplemental CEQA analysis, or Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria: Major project changes requiring an essentially new analysis and re-issuance of WDRs or water quality certification.</p> <ul style="list-style-type: none"> Amendment increases the active certification's impact quantity by more than 50 percent, or Amendment requires a change to the mitigated aquatic resource type. 	<p>(4e) New standard fee assessed per new project discharge total. The minimum fee is \$1,638.</p>

(b) The annual fees for persons issued NPDES permits shall be based on the following schedules, plus any applicable surcharge(s).

(1)(A) Each public entity that owns and/or operates a storm water conveyance system, or part of such a system, that is subject to a NPDES permit for storm water discharges from a municipal separate storm sewer system (MS4) shall pay an annual fee according to the following schedule. The fee shall be based on the population of the public entity according to the most recently published United States Census. For public entities other than cities or counties (Non-Traditional Small MS4s¹⁶¹⁷), shall pay an annual fee according to the following schedule, based on the average daily population¹⁷¹⁸ using the entities' facilities, unless otherwise provided in the schedule. Flood control districts or other special districts named as co-permittees to MS4 permits and school districts, serving students between kindergarten and fourteenth grade, shall not pay an annual fee if the city or county within whose jurisdiction the district lies, pays an annual fee.

ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITTEES	
Population equal to or greater than 250,000	\$56,921
Population between 200,000 and 249,999	\$49,805
Population between 150,000 and 199,999	\$42,974
Population between 100,000 and 149,999	\$35,577
Population between 75,000 and 99,999	\$28,461
Population between 50,000 and 74,999	\$21,344
Population between 25,000 and 49,999	\$14,230
Population between 10,000 and 24,999	\$8,539
Population between 1,000 and 9,999	\$5,692
Less than 1,000 population	\$2,847
Statewide Permit Holders	\$227,682
High Speed Rail Authority	\$133,500

¹⁶¹⁷ Non-Traditional Small MS4s are facilities that have systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. (40 C.F.R. § 122.26(b)(16)(iii)).

¹⁷¹⁸ Total daily population must include resident and commuter populations. For community services districts, total daily population must include resident population and non-residents regularly employed in the areas served by the district.

201718-1819 Fee Schedules

(B) Dischargers applying for the Small MS4 Waiver of a General Permit to Discharge Storm Water Associated with Small Municipal Activity issued by the state board shall pay an application fee of \$200.

(2) Any entity or entities submitting a watershed improvement plan to the regional board for review pursuant to Section 16102 of the Water Code shall reimburse the regional board for its costs¹⁸¹⁹ to review and oversee the implementation of the plan, which shall be calculated using a rate of \$150.00 per hour.

(3) Facilities that discharge storm water associated with industrial activities that are regulated by a state board or regional board general NPDES storm water permit shall pay an annual fee of \$1,400. An amount equal to the fee prescribed shall be submitted with the discharger's Notice of Intent (NOI) to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(4)(A) Storm water discharges associated with construction activities that are regulated by a general NPDES storm water permit other than those covered under (b)(5), including those issued by a regional board, shall pay an annual fee of \$400 plus \$42 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of \$6,700, based on the total acreage to be disturbed during the life of the project as listed on the NOI. An amount equal to the fee prescribed shall be submitted with the discharger's NOI to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(B) Dischargers applying for the Small Construction Rainfall Erosivity Waiver of a General Permit to Discharge Storm Water Associated with Construction Activity issued by the state board shall pay an application fee of \$200.

(5) Discharges associated with mosquito and vector control activities¹⁹²⁰ that are regulated by an individual or general NPDES permit adopted specifically for these purposes, including those issued by a regional board, shall pay a fee of \$241~~250~~. Dischargers filing an application for a mosquito and vector control permit shall pay a fee of \$241~~250~~. The fee shall be paid each time an application for initial certification or renewal of certification is submitted. Mosquito and vector control fees are not subject to ambient water monitoring surcharges.

(6) Planned and emergency discharges from community water systems that are regulated by a general NPDES permit adopted specifically for this purpose shall pay an application fee and subsequent annual fees (if applicable) based on the number of service connections for the public water system in accordance with the following schedule. The application fee shall be submitted with the discharger's NOI to be regulated by the general NPDES permit. For purposes of this section, an NOI is considered to be a report of waste discharge.

Dischargers with a Single System		
Service Connections	Application Fee	Annual Fee
15 – 999	\$400 110	No Annual Fee
1,000 – 9,999	\$500 550	\$500 550

¹⁸¹⁹ These costs include labor, state board and regional board administrative costs, and overhead costs.

¹⁹²⁰ A mosquito and vector control activity involves discharge of pesticides into a designated area for the maintenance and control of mosquito larva for the protection of public health from the outbreak of lethal diseases. A mosquito and vector control agency discharges pesticides into surface waters for the control of mosquito larva.

201718-1819 Fee Schedules

10,000+	\$2,0622,268	\$2,0622,268
Transmission System or Water Wholesaler	\$2,0622,268	\$2,0622,268

Dischargers with Multiple Systems		
Total Number of Service Connections	Application Fee	Annual Fee ²⁰²¹
15 – 999	\$400110	No Annual Fee
1,000 – 9,999	\$500550	\$500550 per Primary System fee plus \$100-110 per Secondary System
10,000+	\$2,0622,268	\$2,0622,268 per Primary System fee plus \$100-110 per Secondary System
Transmission System or Water Wholesaler System	\$2,0622,268	\$2,0622,268 per Primary System fee plus \$100-110 per Secondary System

(7) Discharges from public wastewater treatment facilities that are regulated by a general NPDES permit adopted specifically for this purpose and all other NPDES permitted discharges, except as provided in (b)(8), (b)(9), and (c), shall pay a fee according to the following formula:

Fee equals \$2,0622,268 plus ~~3,6464,011~~ multiplied by the permitted flow, in mgd, with a maximum fee of ~~\$515,537~~567,091 plus any applicable surcharge(s).

If there is no permitted effluent flow specified, the fee shall be based on the design flow of the facility.

NPDES permitted industrial discharges²⁴²² with a threat/complexity²²²³ rating of 1A, 1B, or 1C are subject to a surcharge as follows:

Threat/Complexity Rating 1A - \$15,000
Threat/Complexity Rating 1B - \$10,000
Threat/Complexity Rating 1C - \$5,000

Public wastewater treatment facilities with approved pretreatment programs are subject to a surcharge of \$10,000. Agencies with multiple facilities under one approved pretreatment program shall pay a \$10,000 surcharge per program.

²⁰²¹ All Transmission Systems and Water Wholesaler Systems are Primary Systems. If the Discharger does not have a Transmission System or a Water Wholesaler System, the Discharger's individual water system with the highest number of service connections will be designated as the Primary System. All systems that are not Primary Systems are designated as Secondary Systems.

²⁴²² NPDES permitted industrial discharger(s) means those industries identified in the Standard Industrial Classification Manual, Bureau of Budget, 1967, as amended and supplemented, under the category "Division D-Manufacturing" and such other classes of significant waste producers as, by regulation, the U.S. EPA Administrator deems appropriate. (33 USC Sec. 1362).

²²²³ Threat/complexity categories are listed under (a)(1) of this document.

201718-4819 Fee Schedules

(8)(A) Flow for wet weather municipal facilities²³²⁴ will be based on the previous five years' actual monthly average flow²⁴²⁵, as of the date the permit is issued.

(B) Notwithstanding (8)(A), the minimum annual fee for wet weather municipal facilities shall be \$20,000.

(9) All other general NPDES permits and de minimis discharges²⁵²⁶ that are regulated by an individual or general NPDES permit, including those issued by a regional board, shall pay a fee as follows:

Category 1 – Discharges that require treatment systems to meet priority toxic pollutant limits and that could impair beneficial uses if limits are violated: \$11,877,13,065

Category 2 – Discharges that require treatment systems to meet non-priority pollutant limits, but are not expected to impair beneficial uses if limits are violated. Examples of non-priority pollutants include, but are not limited to, nutrients, inorganic compounds, pH, and temperature: \$7,177,895

Category 3 – Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: \$2,062,268

²³²⁴ Wet weather municipal facilities are intermittently operated facilities that are designated specifically to handle flows during wet weather conditions.

²⁴²⁵ The actual monthly average flow is defined as the average of the flows during each of the months that the discharge occurred during the previous five-year period.

²⁵²⁶ De minimis discharge activities include, but are not limited to, the following: aquaculture activities (as defined in Chapter 40, Section 122.25(b) of the Code of Federal Regulations) defined as managed water areas that use discharges of pollutants into that designated area for maintenance or reproduction of harvestable freshwater, estuarine, or marine plants or animals including fish hatcheries; geothermal facilities that utilize, extract, or produce energy from geothermal fluids for heating, generating power, or other beneficial uses, and discharge geothermal fluids to surface waters; aquatic pesticide applications; evaporative condensate; swimming and landscape pool drainage; discharges from fire hydrant testing or flushing; discharges resulting from construction dewatering; discharges associated with supply well installation, development, test pumping, and purging; discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.; discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.; discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.; discharges from water supply systems resulting from system failures, pressure releases, etc.; discharges of non-contact cooling water, not including steam/electric power plants; discharges resulting from diverted stream flows; water treatment plant discharges; and other similar types of wastes that have low pollutant concentrations and are not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit.

2017-18-19 Fee Schedules

(c) The annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from confined animal facilities shall be based on the following schedules. If a facility contains animals that fit multiple fee categories, the fee will be based on the number of animals in the category that results in the highest fee.

FEEDLOTS (not at a dairy)	
Type of Facility	
Number of Animals	Fee
Cattle or Cow/Calf Pairs	
100,000 or more	\$9,937,10,553
10,000 to 99,999	\$4,9685,276
5,000 to 9,999	\$2,6492,813
1,000 to 4,999	\$1,3241,406
100 to 999	\$663704
0 to 99	\$0
Calves	
10,000 or more	\$4,9685,276
5,000 to 9,999	\$2,6492,813
1,000 to 4,999	\$1,3241,406
300 to 999	\$663704
0 to 299	\$0
Heifers	
10,000 or more	\$9,937,10,553
5,000 to 9,999	\$4,9685,276
1,000 to 4,999	\$2,6492,813
300 to 999	\$1,3241,406
100 to 299	\$663704
0 to 99	\$0
Finishing Yards/Auction Yards	
1,000 or more	\$2,6492,813
300 to 999	\$1,3241,406
100 to 299	\$663704
0 to 99	\$0

DAIRIES	
Type of Facility	
Number of Animals	Fee
Mature Dairy Cattle or Water Buffalo	
3,000 or more	\$13,24814,069
1,500 to 2,999	\$8,2798,792
700 to 1,499	\$3,9744,220
300 to 699	\$1,9872,110
150 to 299	\$9941,056
50 to 149	\$497528
0 to 49	\$0
Goat Dairies	
1,000 or more	\$1,3241,406
550 to 999	\$663704
0 to 549	\$0
OTHER	
HOGS	
Swine (> 55 pounds)	
5,000 or more	\$4,9685,276
2,500 to 4,999	\$2,6492,813
750 to 2,499	\$1,3241,406
150 to 749	\$663704
0 to 149	\$0
Swine (< 55 pounds)	
20,000 or more	\$4,9685,276
10,000 to 19,999	\$2,6492,813
3,000 to 9,999	\$1,3241,406
300 to 2,999	\$663704
0 to 299	\$0
Horses	
500 or more	\$2,6492,813
150 to 499	\$1,3241,406
75 to 149	\$663704
0 to 74	\$0
Sheep or Lambs	
10,000 or more	\$2,6492,813
3,000 to 9,999	\$1,3241,406
550 to 2,999	\$663704
0 to 549	\$0

2017-18-19 Fee Schedules

POULTRY		
Number of Animal Equivalent Units (AEU)	Discharges with Low Threat to Water Quality ²⁶²⁷	All Other Discharges
2000+	\$2,3192,463	\$6,6237,034
700 - 1,999	\$1,6561,759	\$3,3133,518
300 - 699	\$1,1591,231	\$2,4852,639
10 - 299	\$663704	\$1,3241,406
2 - 9	\$332353	\$663704
0 - 1	\$0	\$0

Animal Count to Animal Equivalent Unit (AEU) Conversion Matrix		
Animal Type	AEU Multiplier	Number of Animals per AEU ²⁸
Chicken – layerTurkey	0.0040.0150000	25067
Chicken – broilerDuck	0.0050.0080000	200125
DuckChicken – Broiler	0.0080.0050000	125200
TurkeyChicken – Layer	0.0150.0040000	67250
Guinea Fowl	0.0035000	286
Pheasant	0.0027500	364
Pullet	0.0024000	417
Squab	0.0015000	667
Chukar	0.0012500	800
Quail (Japanese)	0.0003750	2,667
Hatchery Chick (day old)	0.0000938	10,661

(1) Facilities that are certified under a Quality Assurance Program approved by the state board or under a County regulatory program approved by the appropriate regional board, will receive a 50 percent fee reduction. Any facility that is issued a notice of violation by a regional board for an off-property discharge shall not be eligible to receive this fee reduction for a minimum of one billing cycle, and for all subsequent billing cycles until recertification and all corrective actions are complete as determined by the regional board.

(2) Facilities that pose no potential to discharge, as determined by a regional board, shall pay a fee of \$200. The fee shall be paid each time an application for initial certification or renewal of certification is submitted.

²⁶²⁷ These fees apply to discharges from poultry operations that are identified as posing a "low threat to water quality" in the applicable waste discharge requirements or waiver of waste discharge requirements.

²⁸ Rounded to the nearest whole number

201718-1819 Fee Schedules

(3) Facilities that are required to submit a report of waste discharge (ROWD) while the facility is under construction and remains so subsequent to the billing cycle will have the annual fee waived until the facility is in operation and animals are present at the facility.

(4) Facility closures that are required to maintain a permit until all requirements are met shall continue to be assessed a fee based at the same rate as when the facility was in operation.

(5) Facilities covered under a waste discharge requirement or waiver of waste discharge requirement that do not pay annual fees shall pay an application fee for initial coverage and renewals of coverage of \$200. The fee shall be paid each time an application for coverage or report of waste discharge is submitted.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

Section 2200.1.

The state board shall notify each discharger annually of the fee to be submitted, the basis upon which the fee was calculated, and the date upon which the fee is due.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

Section 2200.2.

Persons proposing a new discharge shall submit to the state board or regional board a report of waste discharge. Unless Section 2200 provides otherwise, or the discharger is specifically instructed otherwise by the state board, a fee equal in amount to the annual fee based on the fee schedules in Section 2200 shall be submitted with the discharger's report of waste discharge. Except as otherwise provided in Section 2200, this fee shall serve as the first annual fee. If the submittal of this first annual fee does not coincide with the current fiscal year billing cycle, then the next, and only the next, fiscal year billing shall be adjusted to account for the payment of a full annual fee that accompanied the discharger's report of waste discharge. Persons proposing a material change in an existing discharge are not required to submit a fee with the report of waste discharge.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

Section 2200.3.

Failure to pay the annual fee is a misdemeanor and will result in the state board or regional board seeking the collection of fees through the enforcement provisions provided pursuant to Water Code Section 13261.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13261 of the Water Code.

2017~~18~~-48~~19~~ Fee Schedules

Section 2200.4.

Any refund made pursuant to Water Code Section 13260(e) or for any other reason, shall withhold sufficient funds to cover actual staff time spent in reviewing the report of waste discharge, which shall be calculated using a rate of ~~\$400~~\$150.00 per hour.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

Section 2200.5. No Exposure Certification.

Dischargers filing an application for a No Exposure Certification (NEC) shall pay a fee of \$150 for each facility for which an application is submitted, as prescribed in a general industrial storm water permit. The fee shall be paid each time an application for initial certification or renewal of certification is submitted. NEC fees are not subject to any surcharges.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Sections 13260 and 13260.2 of the Water Code.

Section 2200.6. Annual Agricultural and Irrigated Lands Fee Schedule.

(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from agricultural lands¹, including irrigated lands, shall be as follows:

(1) Tier I: If a discharger is a member of a group that is subject to waste discharge requirements or a waiver of waste discharge requirements, is responsible for coordinating water quality monitoring and best management practice development, training and implementation for its members, and that has been approved by the state board to manage fee collection and payment, then the fee shall be \$100 per group plus ~~\$0.87~~\$0.95 per acre of land.

(2) Tier II: If a discharger is a member of a group that is subject to waste discharge requirements or a waiver of waste discharge requirements, is responsible for coordinating water quality monitoring and best management practice development, training and implementation for its members, but that has not been approved by the state board but that does not to manage fee collection and payment, then the fee shall be ~~\$400~~\$250 per farm plus ~~\$1.47~~\$1.43 per acre of land.

(3) Tier III: If a discharger is a member of a group that has been approved by the regional board to manage the monitoring activities for its members and has been approved by the state board to manage fee collection and payment, then the fee shall be \$100 per group plus \$1.90 per acre of land.

(34) Tier ~~III~~IV: If a discharger is not a member of a group that has been approved by the state board, the following fee schedule applies:

Acres	Fee Rate	Min Fee	Max Fee
0-10	\$469 <u>\$511</u> + \$15.66 <u>\$17.05</u> /Acre	\$469 <u>\$511</u>	\$625 <u>\$682</u>
11-100	\$1,172 <u>\$1,277</u> + \$7.77 <u>\$8.53</u> /Acre	\$1,257 <u>\$1,371</u>	\$1,949 <u>\$2,130</u>
101-500	\$3,123 <u>\$3,192</u> + \$3.94 <u>\$4.26</u> /Acre	\$3,521 <u>\$3,622</u>	\$5,095 <u>\$5,322</u>
501 or More	\$6,245 <u>\$6,384</u> + \$3.13 <u>\$3.41</u> /Acre	\$7,815 <u>\$8,092</u>	No Max Fee

201718-4819 Fee Schedules

(b) Upon approval by the regional board to join a group subject to waste discharge requirements or waivers of waste discharge requirements for discharges from agricultural lands, including irrigated lands, the discharger shall submit to the state board an application fee, unless such fee is not required by the regional board. The application fee is a one-time fee of \$200 for dischargers that have received a written request to submit an application or report of waste discharge, and \$50 for all other dischargers. This application fee shall not apply to dischargers who were members of a group on or before June 30, 2008.

(c) For purposes of this section, the words "agricultural lands," "irrigated lands," "farm," and "discharger" have the meaning contained in the applicable regional board or state board waste discharge requirements or waiver of waste discharge requirements for discharges from agricultural lands, including irrigated lands. These fees shall apply whether or not a regional board or the state board has previously waived the payment of fees for the discharge of waste.

¹ As used in this section, the acreage on which the fee is based refers to the area that has been irrigated or cultivated by the farmer or discharger at any time in the previous five years.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 and 13269 of the Water Code.

2200.7. Annual Fee Schedule for Cannabis Cultivation.

(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges associated with cannabis cultivation shall be as follows:

(1) Category 1: If a discharger is not a member of a group that has been approved by the appropriate regional board, the following fee schedule applies:

Tier	Discharge Threat ¹	Annual Fee
1	Low Threat to Water Quality	\$1,000
2	Moderate Threat to Water Quality	\$2,500
3	Elevated Threat to Water Quality	\$10,000

(2) Category 2: If a discharger is a member of a group that has been approved by the appropriate regional board, the following fee schedule applies:

Tier	Discharge Threat ¹	Annual Fee ²
1	Low Threat to Water Quality	\$700
2	Moderate Threat to Water Quality	\$1,750
3	Elevated Threat to Water Quality	N/A

¹ As assigned by the appropriate regional board.

² Dischargers in Tier 3 may join a third-party group, but must pay the Category 1 fee unless the regional board subsequently assigns the Discharger to a lower tier. Any Discharger that is required by the regional board to take corrective action shall be subject to the fee schedule in Category 1 for a minimum of one billing cycle, and for all subsequent billing cycles until all corrective actions are complete as determined by the regional board.

2017~~18~~-18~~19~~ Fee Schedules

(b) Annual fees for dischargers covered under Statewide General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation shall be as follows:

- (1) Tier 1 – Dischargers that have a disturbed area greater than 2,000 square feet and less than one acre:

Risk Designation	Annual Fee
Low Risk	\$600
Moderate Risk	\$1,800
High Risk	\$4,800

- (2) Tier 2 – Dischargers that have a disturbed area equal to or greater than one acre:

Risk Designation	Annual Fee
Low Risk	\$1,000
Moderate Risk	\$3,000
High Risk	\$8,000

- (3) Waiver of Waste Discharge Requirements – Dischargers with indoor cultivation sites or conditionally exempt sites shall pay an application fee for initial coverage and renewals of coverage of \$600. The fee shall be paid each time an application for coverage is submitted.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Sections 13260 and 13269 of the Water Code.

2200.8. General Requirements for the Use of Recycled Water.

Any person who serves as an Administrator under a General Order or Individual Order authorizing the use of recycled water shall pay an annual fee in accordance with the threat/complexity ratings in Section 2200(a)(1) for each recycled water program that the person administers. The first annual fee shall be submitted with the Notice of Intent ~~to be covered by the General Order.~~

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

2200.9. Annual Fee Schedule for Waivers of Waste Discharge Requirements.

(a) Any person for whom waste discharge requirements have been waived pursuant to Section 13269 of the Water Code shall submit an annual fee to the state board if a fee is specified for the waiver in this section. These fees shall apply whether or not a regional board or the state board has previously waived the payment of fees for the discharge of waste.

(b) [reserved]

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 and 13269 of the Water Code.